

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH  
HOWLING, EUGENE MELNYK, JOHN MISZUK

Defendant.

No. 08 CV 02979

MOTION TO ADMIT  
COUNSEL PRO HAC VICE

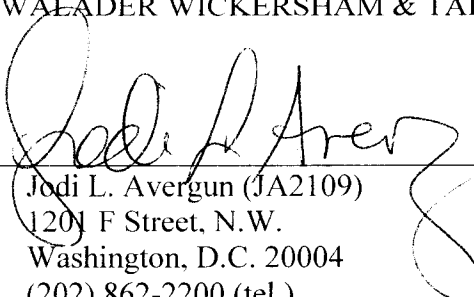
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, Jodi L. Avergun, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of

Bruce A. Hiler  
Cadwalader Wickersham & Taft LLP  
1201 F Street, N.W.  
Washington, D.C. 20004  
(202) 862-2200 (tel.)  
(202) 862-2400(fax)

Dated: New York, NY  
April 21, 2008

CADWALADER WICKERSHAM & TAFT LLP

By:

  
Jodi L. Avergun (JA2109)  
1201 F Street, N.W.  
Washington, D.C. 20004  
(202) 862-2200 (tel.)  
(202) 862-2400(fax)

*Attorneys for Defendant John Miszuk*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

-against-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH  
HOWLING, EUGENE MELNYK, JOHN MISZUK

Defendants.

No. 08 CV 02979(LAK)  
ECF CASE

AFFIDAVIT OF JODI L.  
AVERGUN IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL PRO HAC VICE

I, Jodi L. Avergun, declare pursuant to 28 U.S.C § 1746 that::

1. I am Special Counsel at Cadwalader Wickersham & Taft, LLP, counsel for Defendant John Miszuk in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Bruce A. Hiler as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bars of the State of New York and the District of Columbia, and was admitted to practice law in 1988 in New York and in 2007 in the District of Columbia. I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have known Bruce Hiler since November 2006.

4. Mr. Hiler is a partner at Cadwalader Wickersham & Taft LLP in Washington, D.C. He is a member in good standing of the bars of the District of Columbia and Illinois. His certificates of good standing are attached.

5. I have found Mr. Hiler to be a skilled attorney and a person who possesses the utmost integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Bruce Hiler, *pro hac vice*, to this Court.

7. A true and correct copy of Mr. Hiler's Certificates of Good Standing from the bar of the District of Columbia and Illinois are respectfully submitted herewith as Exhibits A and B, respectively.

8. I respectfully submit a proposed order granting the admission of Bruce Hiler, *pro hac vice*, which is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 21, 2008.

Dated: New York, NY  
April 21, 2008

DISTRICT OF COLUMBIA:ss:

*Paula R. Martin*

CADWALADER WICKERSHAM & TAFT LLP

By: 

Jodi L. Avergun (JA 2109)  
1201 F Street, N.W.  
Washington, D.C. 20004  
(202) 862-2200 (tel.)  
(202) 862-2400(fax)

*Attorneys for Defendant John Miszuk*

PAUL R. MARTIN  
COMMISSION EXPIRES  
MARCH 14, 2010



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

BRUCE A. HILER

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was on the 6<sup>TH</sup> day of FEBRUARY, 1995

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 14, 2008.

GARLAND PINKSTON, JR., CLERK

By: *cit. Harris*  
Deputy Clerk

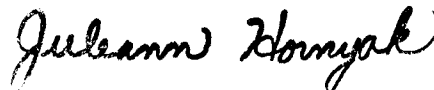
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Bruce A. Hiler

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on October 29, 1977 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Wednesday, April 16, 2008.



Clerk

Bruce A. Hiler is currently registered as an inactive attorney pursuant to Supreme Court Rule 756(a)(5), and "shall no longer be eligible to practice law" or hold himself out as being authorized to practice law in Illinois.

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH  
HOWLING, EUGENE MELNYK, JOHN MISZUK

Defendant.

No. 08 CV 02979(LAK)

ORDER FOR ADMISSION  
*PRO HAC VICE* ON  
WRITTEN MOTION

Upon the motion of Jodi L. Avergun, attorney for Defendant John Miszuk and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED THAT**

Bruce Hiler  
Cadwalader Wickersham & Taft LLP  
1201 F Street, N.W.  
Washington, D.C. 20004  
(202) 862-2200 (tel.)  
(202) 862-2400(fax)

is admitted to practice *pro hac vice* as counsel for Defendant John Miszuk in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, NY  
\_\_\_\_\_, 2008

\_\_\_\_\_  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH  
HOWLING, EUGENE MELNYK, JOHN MISZUK,

Defendants.

Index No. 08 CV 02979(LAK)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK:

: SS

COUNTY OF NEW YORK:

Roddie Don Daniels, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age.
2. On the 23<sup>rd</sup> day of April, 2008, I served a true and correct copy of the
  - Motion to Admit Counsel Pro Hac Vice

by depositing a true copies thereof enclosed in an official depository under the exclusive care and custody of the US Postal service within the city and state of New York, addressed to the following:

Mark K. Schonfeld  
Securities and Exchange Commission  
Three World Financial Center  
Suite 400  
New York, New York 10281-1022

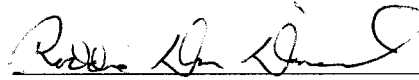
David M. Becker  
Shawn H. Chen  
Robin M. Bergen  
Cleary Gottlieb Steen & Hamilton LLP  
200 Pennsylvania Avenue, NW  
Washington, DC 20006-1801

Dennis Auerbach  
Lanny Breuer  
Covington & Burling, LLP  
1201 Pennsylvania Avenue, N.W.  
Suite 1015  
Washington, DC 20004

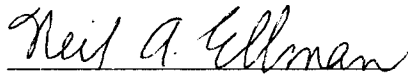
Carmen Lawrence  
Fried Frank Harris Shriver & Jacobson LLP  
One New York Plaza  
New York, New York 10004-1980

Gregory Joseph  
Mara Leventhal  
Gregory P. Joseph Law Offices LLC  
485 Lexington Avenue, 30<sup>th</sup> Floor  
New York, New York 10017

Michael Rivera  
Fried Frank Harris Shriver & Jacobson LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004

  
Roddie Don Daniels

Sworn to before me on this  
23<sup>rd</sup> day of April 2008



NEIL A. ELLMAN  
Notary Public, State of New York  
No. 41-4661078  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires 2/28/10